

**LIDO GRAZIANI
TRANSCRIPT AND EXHIBITS**

**LIDO A. GRAZIANI
SCATCHELL vs VILLAGE OF MELROSE PARK**

**February 05, 2020
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<p>1 IN THE UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 JOHN SCATCHELL,) 5 Plaintiff,) 6 vs.) No. 18-CV-03989 7) Illinois Municipal Corporation;) 8 RONALD M. SERPICO; SAM C.) 9 PITASSI; MICHAEL CASTELLAN;) 10 and STEVEN ROGOWSKI,) 11) 12 Defendants.)</p> <p>13 The deposition of LIDO A. GRAZIANI, 14 taken pursuant to the Federal Rules of Civil 15 Procedure of the United States District Courts 16 pertaining to the taking of depositions, taken 17 before LINDA SNODGRASS SABOR, CSR, RMR, CRR, a 18 Notary Public within and for the County of Cook, 19 State of Illinois, and a Certified Shorthand 20 Reporter of said state, CSR No. 84-1850, at 21 Suite 195, 333 Pierce Road, Itasca, Illinois, 22 on the 5th day of February, 2020, at 2:24 p.m. 23 24</p>	<p style="text-align: center;">Page 1</p> <p>1 PRESENT: (Continued) 2 3 HERVAS, CONDON & BERSANI, PC 4 333 Pierce Road - Suite 195 5 Itasca, Illinois 60143 6 Phone 630/773-4774 by: 7 MR. MICHAEL D. BERSANI 8 MBersani@HCBAttorneys.com 9 10 appeared on behalf of Defendants 11 Sam C. Pitassi, Michael Castellan, 12 and Steven Rogowski. 13 14 ALSO PRESENT: 15 MS. CHRISTINA SABATER, Paralegal, 16 Law Offices of Gianna Scatchell; 17 MR. JOHN SCATCHELL, SR.; 18 MR. SAM C. PITASSI; 19 MR. MICHAEL CASTELLAN; 20 MR. STEVEN ROGOWSKI. 21 22 23 24 REPORTED BY: LINDA SNODGRASS SABOR, CSR, RMR, CRR, CSR No. 84-1850.</p>
<p>1 PRESENT: 2 3 TALON LAW, LLC 4 105 West Madison Street - Suite 1350 5 Chicago, Illinois 60602 6 Phone 312/351-2478 by: 7 MR. CASS T. CASPER 8 CTC@TalonLaw.com 9 10 -and- 11 12 LAW OFFICES OF GIANNA SCATCHELL 13 360 West Hubbard Street - Suite 1404 14 Chicago, Illinois 60654 15 Phone 312/248-3303 by: 16 MS. GIANNA SCATCHELL 17 Gia@LawFirm.gs 18 appeared on behalf of the Plaintiff; 19 20 LANER MUCHIN 21 515 North State Street - Suite 2800 22 Chicago, Illinois 60654 23 Phone 312/467-9800 by: 24 MR. JEFFREY S. FOWLER 25 JFowler@LanerMuchin.com 26 appeared on behalf of Defendant 27 Village of Melrose Park; 28 29 DEL GALDO LAW GROUP, LLC 30 1441 South Harlem Avenue 31 Berwyn, Illinois 60402 32 Phone 708/222-7000 by: 33 MR. K. AUSTIN ZIMMER 34 Zimmer@DLGLawGroup.com 35 36 appeared on behalf of Defendant 37 Ronald M. Serpico; 38 39</p>	<p style="text-align: center;">Page 2</p> <p>1 (WHEREUPON, the witness was duly 2 sworn.) 3 LIDO A. GRAZIANI, 4 called as a witness herein, having been first duly 5 sworn, was examined and testified as follows: 6 EXAMINATION 7 BY MR. BERSANI: 8 Q. Please state your full name and spell it 9 for the record. 10 A. Lido A. Graziani, L-i-d-o, middle A., 11 Adam, last name is G-r-a-z-i-a-n-i. 12 MR. BERSANI: Okay. Let the reflect that this 13 is the deposition of Officer Lido Graziani, taken 14 pursuant to the Federal Rules of Civil Procedure, 15 the local rules for the U.S. District Court for the 16 Northern District of Illinois, and this deposition 17 is taken pursuant to subpoena. 18 My name is Mike Bersani. I represent 19 Defendants Sam Pitassi, Mike Castellan, and 20 Steven Rogowski, who are also present here at the 21 deposition. 22 And I'd ask other counsel to introduce 23 themselves and their clients, if present. 24 MR. ZIMMER: Austin Zimmer on behalf of</p>

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1	Mayor Serpico.	1	Q. Okay. And have you ever held any other
2	MR. FOWLER: Jeffrey Fowler on behalf of the	2	assignments in your 20-plus years as a police
3	Village.	3	officer at Melrose Park?
4	MS. SCATCHELL: Gianna Scatchell on behalf of	4	A. No.
5	the Plaintiff.	5	Q. All right. And have you worked in any
6	MR. CASPER: Cass Thomas Casper, C-a-s-s	6	other -- with any other law enforcement agencies
7	C-a-s-p-e-r, also on behalf of Plaintiff.	7	besides Melrose Park in your lifetime?
8	MR. BERSANI: And you have two other	8	A. I have, yes.
9	individuals present.	9	Q. Where have you worked?
10	MR. CASPER: Oh.	10	A. Elmwood Park Police.
11	MS. SABATER: Christina Sabater, paralegal.	11	Q. When did you work for Elmwood Park?
12	MR. CASPER: And Plaintiff is also present.	12	A. March of '97 through June of '99.
13	MR. BERSANI: Okay. Thank you.	13	Q. Was your next employment after that with
14	BY MR. BERSANI:	14	Melrose Park?
15	Q. Now, Mr. Graziani, you don't have counsel	15	A. Yes.
16	present, correct?	16	Q. Did you work with any law enforcement
17	A. No, I don't.	17	agencies other than Melrose Park and Elmwood Park?
18	Q. Okay. And I told counsel before the	18	A. No.
19	start of the deposition that I've represented you in	19	Q. You currently work a shift?
20	the past, in a prior federal civil rights lawsuit	20	A. Yes.
21	filed by a citizen regarding an on-duty incident.	21	Q. What shift do you work?
22	Correct?	22	A. 8:00 a.m. to 4:00 p.m.
23	A. Yes.	23	Q. Okay. Who's your supervisor?
24	Q. Okay. I have not represented you since	24	A. Joseph Urso.
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1	then, correct?	1	Q. In the time frame of 2016 to 2018 do you
2	A. Correct.	2	recall what shift you worked?
3	Q. And we've had no contact since that	3	I know there were rotating shifts in
4	lawsuit was resolved, correct?	4	there.
5	A. Correct.	5	A. We were flip-flopping, yeah.
6	Q. Okay. And that was probably at least	6	Q. Right.
7	six, seven years ago?	7	Okay. So you worked -- you rotated
8	A. Correct.	8	shifts in that time period.
9	Q. Okay. All right. Your current	9	A. Correct.
10	occupation is a police officer for Melrose Park?	10	Q. At some point the department went to
11	A. Yes.	11	permanent shifts, correct?
12	Q. How long have you been employed by	12	A. Yes.
13	Melrose Park?	13	Q. Okay. Do you recall when you went to a
14	A. 20 years and four months.	14	permanent shift?
15	Q. What's your current rank?	15	A. Permanent shift --
16	A. Patrolman.	16	Q. Yeah.
17	Q. Have you held any other rank with the	17	A. -- would be -- we started this two years
18	Melrose Park Police Department?	18	ago, I believe.
19	A. No.	19	Q. Okay. That sounds about right.
20	Q. And what's your current assignment,	20	In the 2016 to 2018 time period was
21	patrol?	21	Lieutenant Urso your lieutenant, your shift
22	A. Patrol.	22	lieutenant?
23	Q. Patrol division?	23	A. Yes.
24	A. Uh-huh. Yes, yes.	24	Q. And so how long has he been your shift

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1 lieutenant?	1 Q. Okay.
2 A. Probably four years now.	2 A. If Lieutenant Scatchell was the station
3 Q. Okay. Have you ever worked on a shift	3 supervisor, I would answer to Lieutenant Urso.
4 where John Scatchell, Senior, was your supervising	4 Q. Okay. And if Lieutenant Urso wasn't
5 lieutenant?	5 present, but Lieutenant Scatchell was present as
6 A. Yes.	6 station supervisor, then you would -- you would
7 Q. When was that?	7 report to him?
8 A. Prior to his retirement, he was under	8 A. Yes.
9 Joseph Urso's shift as lieutenant.	9 Q. Okay.
10 Q. So there was a period time -- or, strike	10 A. Or the acting sergeant.
11 that.	11 Q. Or the acting sergeant.
12 You're aware that in May of 2017	12 Okay. Now, how long have you known
13 John Scatchell, Senior, was assigned to the station	13 John Scatchell, Senior?
14 supervisor position.	14 A. Most of my career.
15 You're aware of that?	15 Q. 20-plus years?
16 A. Yes. A brief time, I believe.	16 A. Maybe about 18.
17 Q. Okay. And so prior to that,	17 Q. Okay. And did you grow up in
18 Lieutenant Scatchell and Lieutenant Urso were your	18 Melrose Park?
19 shift lieutenants?	19 A. No, I did not.
20 A. Well, it was more Lieutenant Urso then.	20 Q. Where did you grow up?
21 Q. More Urso?	21 A. Elmwood Park.
22 A. Yeah.	22 Q. Elmwood Park.
23 Q. Okay. Okay. But Lieutenant Scatchell	23 Okay. Did you know him while you --
24 was on the same shift as Urso --	24 growing up in Elmwood Park?
Page 10	Page 12
1 A. Yes.	1 A. No.
2 Q. -- and you, correct?	2 Q. So the first time you met him was when
3 A. Yes.	3 you started working for Melrose Park?
4 Q. Okay. And you believe that was for about	4 A. Yes.
5 a four-year period of time?	5 Q. Okay. Do you consider John Scatchell,
6 A. As far as four years -- I think between	6 Senior, to be a friend of yours?
7 '16 until maybe '18.	7 A. Well, I mean, you know, acquaintance --
8 I'm a little mixed up with the numbers as	8 Q. Do you socialize --
9 far as how many years ago it was.	9 A. -- friends.
10 Q. Okay.	10 Q. -- with him?
11 A. I just --	11 A. Not, like, on a daily basis. If, you
12 Q. Understood. That's fine.	12 know, come in contact, hi, bye, how's it going.
13 A. It was a couple years when I switched	13 Q. Prior to his retirement, did you
14 shifts.	14 socialize with him at all?
15 Q. Okay. It's accurate to say, though, that	15 A. I'm sure via text or -- yeah.
16 when John Scatchell, Senior, was assigned to the	16 Q. Things like going out to dinner or --
17 station supervisor position, he ceased to be your	17 A. Oh. No, no, no.
18 direct supervisor.	18 Q. -- you know, going to his house or him
19 That's correct?	19 coming to your house --
20 A. I believe the station supervisor is a	20 A. No.
21 little different than who would be your patrol	21 Q. -- things like that?
22 supervisor.	22 A. No, no, no, no, no.
23 Q. Okay.	23 Q. No?
24 A. So I would answer to Lieutenant Urso.	24 A. No.

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<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Were you active at all in the FOP? 2 A. No. 3 Q. Do you know what this present lawsuit is 4 about? 5 A. I have an idea. Not, you know -- 6 Q. What's your idea? 7 A. I mean -- I mean, I don't really want to 8 say much because I don't know much about what's 9 really going on here. Why I'm really here, I don't 10 know. 11 Q. Okay. 12 A. I really don't know why I'm here. 13 Q. Do you know any details about 14 John Scatchell, Senior's allegations made in the 15 present lawsuit? 16 A. I don't. 17 Q. Okay. Have you spoken to his attorneys 18 at all about his lawsuit -- 19 A. No. 20 Q. -- or today's deposition? 21 A. No. 22 Q. Okay. How about with John Scatchell, 23 Senior, directly? Have you ever spoken to him about 24 any allegations or claims he's making in this</p>	<p style="text-align: right;">Page 15</p> <p>1 incident, independent of looking at the report? 2 A. I do. 3 Q. Okay. Does this report -- do you 4 remember all the details of the incident or do you 5 need this report to help, you know, answer 6 questions? 7 A. I remember. Yeah, I remember. 8 Q. Okay. Well, we'll keep it in front of 9 you, and so if there's any point in time that you 10 don't remember something and you want to refer to 11 the report, let us know that, and we will take a 12 look at it. 13 A. Okay. 14 Q. And if it helps you remember, then tell 15 us that. 16 Okay? 17 A. Okay. 18 Q. All right. So tell us what you remember, 19 kind of starting at the beginning, about this 20 particular incident. 21 A. I just remember the call coming over the 22 air of the radio that night of shots fired in the 23 area, and I responded to the immediate area. And 24 when I got there, I was flagged down by</p>
<p style="text-align: right;">Page 14</p> <p>1 lawsuit? 2 A. No. 3 Q. Okay. All right. So I'm going to hand 4 you what we're going to mark as Deposition Exhibit 5 No. 1. 6 (WHEREUPON, a certain document was 7 marked Graziani Exhibit 1, for 8 identification, as of 2/5/2020.) 9 BY MR. BERSANI: 10 Q. Okay. So this is a report, a narrative, 11 of an incident that took place on December 16, 2016, 12 at approximately 1:11 a.m. It appears to be 13 authored by you. 14 Why don't you take a look at it, and I've 15 got some questions for you about this report and 16 about the incident in general. 17 (WHEREUPON, there was a short 18 pause.) 19 BY THE WITNESS: 20 A. Okay. Yeah. 21 BY MR. BERSANI: 22 Q. Okay. Have you had a chance to read it? 23 A. Yeah. 24 Q. Okay. And, now, do you remember this</p>	<p style="text-align: right;">Page 16</p> <p>1 Lieutenant Scatchell at the time. He advised me 2 that someone had discharged some fireworks in his 3 driveway. There was, in fact, debris. 4 Q. Okay. Let me stop you right there. 5 I know there's more to your report, but 6 let me ask you a few questions about what you've 7 testified to so far. 8 A. Uh-huh. 9 Q. You were, in fact, dispatched to this 10 shots fired call, correct? 11 A. I believe so. I was there. 12 Q. And by "dispatched," meaning that the 13 communication center specifically dispatched you to 14 respond to this call, correct? 15 A. Yeah. 16 Q. And were you alone? 17 A. No. 18 Q. Okay. Was there a -- was this a -- do 19 you have a single-officer car? 20 A. Yes. 21 Q. Okay. But there were other officers on 22 duty? 23 A. Yes. 24 Q. And do you recall as you sit here today</p>

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1 all the officers that responded to this call?	1 lives on?
2 A. There were other officers that arrived on	2 Q. Yeah.
3 the scene. I don't remember who was there exactly.	3 A. I believe it's on Norwood.
4 Q. The ones that are in some of the reports	4 Q. Norwood?
5 I've seen are Nikole Spatafora --	5 A. Is it Norwood? I'm not -- I'm not sure
6 A. Okay.	6 what --
7 Q. Do you recollect her being on this call?	7 Q. So as you sit here today, you recall
8 A. She could have. I don't recall who	8 him -- he was in front of his house or in his
9 exactly was.	9 driveway when he flagged you down?
10 Q. What about Gene Cacciato?	10 A. I don't -- I don't recall if it was in
11 MR. CASPER: Object. Asked and answered.	11 front of the house or the driveway. I -- I don't.
12 BY MR. BERSANI:	12 I was just reading over it.
13 Q. If you remember.	13 Q. Okay. Let me ask you this.
14 Do you remember him being on this call?	14 According to your report, you write in
15 A. Yes, him, I do.	15 your -- this is your report, correct?
16 Q. Okay. Do you remember anybody else that	16 A. Yes.
17 responded to this call?	17 Q. Okay. This is your narrative. You
18 A. No, I don't remember who else was there.	18 authored this Exhibit No. 1?
19 I remember Gene, though.	19 A. Yes.
20 Q. Do you recall if this came across as a	20 Q. Okay. According to your report, it says
21 911 call?	21 upon arrival in the area, r/o -- which is reporting
22 A. I don't recall if it came across 911, but	22 officer -- that's you, correct?
23 I -- I know I was sent there.	23 A. Yes.
24 Q. Okay. It looks like in your report, if	24 Q. (Continuing) -- was flagged down by the
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1 this helps refresh your recollection --	1 caller, who stated they heard what appeared to be
2 A. Okay.	2 three shots, approximately three of them heard on
3 Q. -- the second to the last line says	3 9th and Winston.
4 Officer -- "Off-duty Police Officer Panzani made the	4 Do you see this?
5 first call via 911."	5 A. Yes.
6 Does that help refresh your recollection?	6 Q. So I'm trying to understand who exactly
7 A. Okay. Yes, it does.	7 told you this, if you recall.
8 Q. Okay. And you said that it was a -- came	8 In other words, who was the caller?
9 across from the dispatcher as a shots fired call,	9 A. Did I -- like I say, I remember seeing
10 correct?	10 Lieutenant Scatchell there. He could have
11 A. Yes.	11 possibly -- he may have flagged me down at 9th and
12 Q. Okay. And when you responded to the	12 Winston. It's -- it was a while ago. I can't
13 scene, you were flagged down by John Scatchell,	13 really recall too much on it. But --
14 Senior?	14 Q. Okay.
15 A. Yes.	15 A. -- I know he was there.
16 Q. And where was he when he flagged you	16 Q. Well, again, your report says -- and,
17 down?	17 again, just use your memory of this.
18 A. In front of his residence.	18 Your report says upon arrival you were
19 Q. And his residence is on Winston Avenue --	19 flagged down by the caller. So who was the caller
20 or, Winston Drive, rather?	20 that flagged you down? Was that John Scatchell,
21 A. No. No, it wasn't. No, no, no. Strike	21 Senior, or was it somebody else?
22 that.	22 A. No. It was -- it was
23 Q. What street does he live on?	23 Lieutenant Scatchell.
24 A. I believe -- did you say what street he	24 Q. Okay. Now, he called over his -- over

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<p style="text-align: right;">Page 21</p> <p>1 his radio or cell phone or what? Do you know?</p> <p>2 MR. CASPER: Object to foundation.</p> <p>3 BY MR. BERSANI:</p> <p>4 Q. If you know.</p> <p>5 A. I don't recall.</p> <p>6 Q. But he was not the 911 caller. The 911</p> <p>7 caller was Panzani, correct?</p> <p>8 MR. CASPER: Object to foundation.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I don't know who it was.</p> <p>11 BY MR. BERSANI:</p> <p>12 Q. Okay. So your report goes on to say</p> <p>13 that the caller stated they heard what appeared to</p> <p>14 be gunshots, approximately three of them heard on</p> <p>15 the -- near 9th and Winston.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Who is "they," if you remember?</p> <p>19 A. Well, the caller would be "they."</p> <p>20 Q. So that would be John Scatchell, Senior,</p> <p>21 made that statement to you?</p> <p>22 A. I would assume, yes.</p> <p>23 Q. Okay. And when you write here the three</p> <p>24 of them heard gunshots, do you know who he was</p>	<p style="text-align: right;">Page 23</p> <p>1 that you had a conversation with both Scatchell,</p> <p>2 Junior, and Scatchell, Senior, in front of his</p> <p>3 residence in which they told you that the incident</p> <p>4 occurred in front of their house?</p> <p>5 A. Correct. Yes.</p> <p>6 Q. Okay. You said earlier that when you had</p> <p>7 this conversation with Lieutenant Scatchell, being</p> <p>8 Scatchell, Senior, that he told you that someone had</p> <p>9 discharged fireworks in the driveway.</p> <p>10 Correct?</p> <p>11 A. Yes.</p> <p>12 Q. And he used the words "fireworks,"</p> <p>13 correct?</p> <p>14 A. I don't recall.</p> <p>15 Q. You can't recall --</p> <p>16 A. He may have.</p> <p>17 Q. -- what words he used to describe what he</p> <p>18 heard?</p> <p>19 MR. CASPER: Objection. Asked and answered.</p> <p>20 BY THE WITNESS:</p> <p>21 A. No, I don't remember what it was.</p> <p>22 BY MR. BERSANI:</p> <p>23 Q. He never used the word "dynamite," did</p> <p>24 he?</p>
<p style="text-align: right;">Page 22</p> <p>1 referring to when he made that statement to you?</p> <p>2 MR. CASPER: Object to foundation.</p> <p>3 BY THE WITNESS:</p> <p>4 A. No, I don't -- I don't recall.</p> <p>5 BY MR. BERSANI:</p> <p>6 Q. Okay. The next sentence says upon</p> <p>7 further investigating the area, off-duty PO -- which</p> <p>8 is police officer, correct?</p> <p>9 A. Yes.</p> <p>10 Q. (Continuing) -- Scatchell, along with</p> <p>11 off-duty Lieutenant Scatchell, advised via net radio</p> <p>12 that the incident occurred in front of -- and then</p> <p>13 there's a space there -- being Scatchell's</p> <p>14 residence.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So as you sit here today, do you</p> <p>18 recall being advised via radio by Scatchell and/or</p> <p>19 his -- I assume his son -- right? Is that right?</p> <p>20 A. Correct.</p> <p>21 Q. (Continuing) -- being advised that the</p> <p>22 incident occurred in front of their residence?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. So, then, is it accurate to say</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. CASPER: Objection. Asked and answered.</p> <p>2 BY THE WITNESS:</p> <p>3 A. No, I don't recall. I don't know.</p> <p>4 BY MR. BERSANI:</p> <p>5 Q. I mean, "dynamite" would be a pretty -- a</p> <p>6 pretty dramatic -- it's a pretty dramatic term.</p> <p>7 You'd agree with that?</p> <p>8 MR. CASPER: Objection. Argumentative.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Yeah, I would agree to that. Sure.</p> <p>11 BY MR. BERSANI:</p> <p>12 Q. As opposed to mere fireworks.</p> <p>13 MR. CASPER: Objection. Argumentative.</p> <p>14 BY THE WITNESS:</p> <p>15 A. Right.</p> <p>16 BY MR. BERSANI:</p> <p>17 Q. So if someone used the word "dynamite,"</p> <p>18 that's something that would -- that would stick in</p> <p>19 your memory, correct?</p> <p>20 MR. CASPER: Same objection.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I mean --</p> <p>23 BY MR. BERSANI:</p> <p>24 Q. Well, let me ask you this.</p>

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<p style="text-align: right;">Page 25</p> <p>1 If someone said somebody -- somebody 2 discharged dynamite in my driveway, that would be 3 something, as a police officer, you would put in 4 your report, correct?</p> <p>5 MR. CASPER: Objection. Argumentative. Asked 6 and answered.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I wouldn't be able to go off of 9 somebody's -- I wouldn't be able to just say, oh, 10 this was a piece of dy -- this was a stick of 11 dynamite. It would have to be something -- I 12 would -- it would have to be investigated to see 13 what kind of explosive it was --</p> <p>14 BY MR. BERSANI:</p> <p>15 Q. Right.</p> <p>16 A. -- you know, the amount of damage and 17 stuff.</p> <p>18 Q. You said that you witnessed --</p> <p>19 A. I mean, fireworks are fireworks.</p> <p>20 Q. Right.</p> <p>21 And that's what you witnessed on the 22 driveway --</p> <p>23 A. Right.</p> <p>24 Q. -- was debris --</p>	<p style="text-align: right;">Page 27</p> <p>1 Do you recall the neighbors that you 2 spoke to?</p> <p>3 A. I don't recall them. No, I don't recall.</p> <p>4 Q. Did any of those neighbors -- based on 5 your recollection, did any of those neighbors that 6 you spoke to describe the noise as dynamite being 7 discharged or three sticks of dynamite, either one, 8 being discharged?</p> <p>9 A. No, I don't -- I don't recall that.</p> <p>10 Q. If they did, that would be something that 11 you would put in your report, correct?</p> <p>12 MR. CASPER: Objection. Argumentative.</p> <p>13 BY MR. BERSANI:</p> <p>14 Q. Because that would be more significant 15 than merely blowing off fireworks, correct?</p> <p>16 MR. CASPER: Objection. Argumentative.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Correct.</p> <p>19 BY MR. BERSANI:</p> <p>20 Q. Is it accurate to say -- excuse me. 21 Is it accurate to say, Officer Graziani, 22 that you're there to investigate the call? Correct?</p> <p>23 A. Yes.</p> <p>24 Q. And part of your investigation is talking</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Debris.</p> <p>2 Q. -- of fireworks, right?</p> <p>3 A. Correct.</p> <p>4 MR. CASPER: Objection. Asked and --</p> <p>5 BY MR. BERSANI:</p> <p>6 Q. Not debris of dynamite, correct?</p> <p>7 MR. CASPER: Objection. Foundation.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I would say fireworks. I don't know what 10 dynamite debris looks like.</p> <p>11 BY MR. BERSANI:</p> <p>12 Q. Okay. If John Scatchell, Senior, has 13 said that three sticks of dynamite were blown off in 14 his driveway, is that something that is consistent 15 with what you observed in his driveway?</p> <p>16 MR. CASPER: Objection. Foundation.</p> <p>17 BY THE WITNESS:</p> <p>18 A. No, I wouldn't think that.</p> <p>19 BY MR. BERSANI:</p> <p>20 Q. Okay. Your report goes on to say that, 21 "We spoke with immediate neighbors, who awoken to 22 the noise and were standing at their front door, who 23 stated that they heard several loud bangs, almost 24 like gunfire, going off in front of their home."</p>	<p style="text-align: right;">Page 28</p> <p>1 to people that heard or saw what happened, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you did conduct an investigation, 4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. You spoke to John Scatchell, Junior, and 7 Senior, correct?</p> <p>8 A. Yes.</p> <p>9 Q. You spoke to some neighbors who were out 10 there that claim they heard the noise, correct?</p> <p>11 A. Correct.</p> <p>12 Q. You spoke to Officer Panzani, correct?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. You looked at the driveway to see 15 what could have made this noise, correct?</p> <p>16 A. Yes.</p> <p>17 Q. You observed debris of fireworks, 18 correct?</p> <p>19 MR. CASPER: Objection. Misstates --</p> <p>20 BY THE WITNESS:</p> <p>21 A. Yes.</p> <p>22 MR. CASPER: -- testimony.</p> <p>23 BY MR. BERSANI:</p> <p>24 Q. During the course of your</p>

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<p>1 investigation -- or, strike that.</p> <p>2 Did you conduct any other investigation</p> <p>3 that you recall other than what we just spoke of?</p> <p>4 A. No.</p> <p>5 Q. During the course of your investigation,</p> <p>6 did you make any determination or finding as to who</p> <p>7 discharged the fireworks?</p> <p>8 A. No.</p> <p>9 Q. Did anyone collect any of the debris and</p> <p>10 preserve the debris that was in the driveway that</p> <p>11 you observed?</p> <p>12 A. I don't recall.</p> <p>13 Q. Do you recall if anyone took any</p> <p>14 photographs of the debris?</p> <p>15 A. I don't recall that.</p> <p>16 Q. Okay. Certainly you and others on shift</p> <p>17 had the capability of collecting the debris and</p> <p>18 taking photographs.</p> <p>19 Correct?</p> <p>20 A. Correct.</p> <p>21 Q. Isn't Nikole Spatafora an evidence</p> <p>22 technician?</p> <p>23 A. Yes.</p> <p>24 Q. She was at the time, correct?</p>	<p>1 And it's not.</p> <p>2 A. It's not.</p> <p>3 Q. Likely, then, it didn't happen.</p> <p>4 MR. CASPER: Objection. Argumentative.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I'm not saying it didn't happen.</p> <p>7 Whatever is in my report would be -- if I collected</p> <p>8 that, then I would list it in my report.</p> <p>9 BY MR. BERSANI:</p> <p>10 Q. Okay.</p> <p>11 A. The evidence tech has a different report.</p> <p>12 Q. Right.</p> <p>13 My question was a little different.</p> <p>14 Had Lieutenant Scatchell directed you or</p> <p>15 any other responding officer --</p> <p>16 A. Okay.</p> <p>17 Q. -- to collect the debris or take</p> <p>18 photographs, that would be something that you would</p> <p>19 put in your report, correct?</p> <p>20 A. Correct.</p> <p>21 Q. That's a significant fact in your</p> <p>22 investigation, correct?</p> <p>23 A. Correct.</p> <p>24 MR. CASPER: Objection. Form.</p>
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<p>1 A. I believe so. I'm not sure.</p> <p>2 Q. Do you know whether she collected any of</p> <p>3 the debris or took any photographs?</p> <p>4 A. I don't recall if she did or not.</p> <p>5 Q. At any point in time did</p> <p>6 Lieutenant Scatchell -- or, strike that.</p> <p>7 Lieutenant Scatchell, being a lieutenant</p> <p>8 in your chain of command, was your supervisor,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. At any point in time did</p> <p>12 Lieutenant Scatchell direct you or any other officer</p> <p>13 who responded to the incident to collect the debris</p> <p>14 that you observed in the driveway or to take any</p> <p>15 photographs?</p> <p>16 A. I don't recall.</p> <p>17 Q. If he did, that would be something that</p> <p>18 would be significant enough to put in your report,</p> <p>19 correct?</p> <p>20 MR. CASPER: Objection. Argumentative.</p> <p>21 BY THE WITNESS:</p> <p>22 A. It would be in my report, correct.</p> <p>23 BY MR. BERSANI:</p> <p>24 Q. Right.</p>	<p>1 BY MR. BERSANI:</p> <p>2 Q. And he never did that, did he?</p> <p>3 A. I don't recall. It wasn't --</p> <p>4 Q. Do you recall whether he gave any orders</p> <p>5 at all to anybody who responded?</p> <p>6 A. It's very vague. I don't recall, like --</p> <p>7 Q. Do you recall him directing you or the</p> <p>8 other officers who responded to go speak with some</p> <p>9 off-duty officers, Chiappetta, Natale, Nocita, and</p> <p>10 Espinosa, who were at another house --</p> <p>11 A. I recall --</p> <p>12 Q. -- a block over?</p> <p>13 A. -- that, yes.</p> <p>14 Q. Do you recall Lieutenant Scatchell,</p> <p>15 Senior, directing you or the other responding</p> <p>16 officers to go speak to them and ask them whether</p> <p>17 they heard anything?</p> <p>18 A. Yes.</p> <p>19 Q. And so Lieutenant Scatchell, Senior, did</p> <p>20 give an order that you recall.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you guys followed that order,</p> <p>23 correct?</p> <p>24 A. Yes.</p>

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1 Q. Did you go over there and speak to those 2 officers?	1 that. 2 Q. If Steve Rogowski came to the conclusion 3 that there were no known witnesses to the incident 4 and closed the investigation, that would be 5 consistent with what you found when you investigated 6 the incident, correct?
3 A. No, I did not.	7 MR. CASPER: Objection. Foundation.
4 Q. Okay. Do you recall who did that?	8 BY THE WITNESS:
5 A. It was Cacciatore at the time --	9 A. Correct.
6 Q. Okay. And --	10 MR. CASPER: Argumentative.
7 A. -- I believe.	11 BY MR. BERSANI:
8 Q. -- so you weren't present, so you don't 9 know what was said between Cacciatore and any of 10 those officers?	12 Q. Are you aware that Steve Rogowski 13 investigated the verbal -- a verbal altercation 14 between Cacciatore and Sam Chiappetta?
11 A. No.	15 A. I'm sorry. Can you repeat?
12 Q. Okay. Are you aware of a verbal 13 altercation between Cacciatore and Chiappetta that 14 evening?	16 Q. Sure.
15 A. Yes.	17 Are you aware that Steve Rogowski 18 investigated the verbal altercation between 19 Cacciatore and Sam Chiappetta?
16 Q. You're aware of that now.	20 A. I don't recall.
17 A. Through talk.	21 Q. Okay. You don't recall.
18 Q. Okay. It's not something that you 19 personally heard or observed.	22 Would anything refresh your recollection?
20 A. Right.	23 A. Possibly.
21 Q. Okay. And what are you aware of?	24 Q. Okay. Can you think of something right
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1 Q. All right. And do you recall any 2 specific words that were exchanged between 3 Cacciatore and this -- and this other person?	1 now? 2 A. No.
4 A. No. No.	3 Q. Do you recall if you were contacted and 4 interviewed by Steve Rogowski about the verbal 5 altercation between Cacciatore and Chiappetta?
5 Q. Now, obviously you know Sam Pitassi, 6 Mike Castellan, and Steve Rogowski.	6 A. I don't believe so.
7 Correct?	7 Q. Do you have any reason to dispute that 8 Steve Rogowski conducted a full and fair 9 investigation of both the fireworks incident and the 10 altercation between Cacciatore and Chiappetta?
8 A. Yes.	11 MR. CASPER: Object to form. Foundation.
9 Q. They weren't present at all for this 10 incident, correct?	12 BY THE WITNESS:
11 A. Correct.	13 A. Can you repeat that?
12 Q. They weren't present for any part of your 13 investigation, correct?	14 BY MR. BERSANI:
14 A. Correct.	15 Q. Sure.
15 Q. Okay. Have you had any conversations 16 since that date with any of them about this 17 incident?	16 Do you have any reason to dispute that 17 Steve Rogowski conducted a full and fair 18 investigation of both of those incidents, the 19 fireworks incident and then the altercation between 20 Cacciatore and Chiappetta?
18 A. No.	21 MR. CASPER: Same objection.
19 Q. All right. Are you aware that 20 Steve Rogowski investigated the fireworks incident, 21 at, you know, a later date?	22 BY THE WITNESS:
22 A. I don't recall that. I don't know.	23 A. I don't believe so.
23 Q. Okay.	24 BY MR. BERSANI:
24 A. He very well may have. I don't remember	

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<p style="text-align: right;">Page 37</p> <p>1 Q. You believe that -- to your knowledge, 2 you believe he conducted a full and fair 3 investigation of both incidents?</p> <p>4 A. I would assume so, yes.</p> <p>5 Q. Right.</p> <p>6 And you, yourself, conducted the best you 7 could that evening a full and fair investigation --</p> <p>8 A. Yeah.</p> <p>9 Q. -- correct?</p> <p>10 A. Yes.</p> <p>11 MR. BERSANI: Okay. I have nothing further.</p> <p>12 Thanks.</p> <p>13 EXAMINATION</p> <p>14 BY MR. ZIMMER:</p> <p>15 Q. You know Mayor Serpico, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Was Mayor Serpico present during your 18 investigation of the firework incident?</p> <p>19 A. No.</p> <p>20 Q. Did Mayor Serpico, to your knowledge, 21 have any involvement in the investigation of the 22 firework incident?</p> <p>23 A. I would have to say no.</p> <p>24 Q. Okay. Did you ever speak to him about</p>	<p style="text-align: right;">Page 39</p> <p>1 A. I would listen to him because of his 2 authority.</p> <p>3 Q. And if what he said made sense, you would 4 do it.</p> <p>5 A. Correct.</p> <p>6 MR. FOWLER: That's all.</p> <p>7 EXAMINATION</p> <p>8 BY MR. CASPER:</p> <p>9 Q. All right. Officer Graziani, my name is 10 Cass Casper. I'm one of the attorneys representing 11 the Plaintiff in this matter. I have a few 12 follow-up questions for you.</p> <p>13 Safety and security of the Village of 14 Melrose Park is within part of your responsibilities 15 as a patrol officer, would you agree?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And threats on citizens is 18 a matter of serious concern to the Village of 19 Melrose Park Police Department, would you agree?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And as a uniformed police 22 officer of the Village of Melrose Park, a threat on 23 an officer of the Village of Melrose Park is also 24 something that is a serious concern of yours, is</p>
<p style="text-align: right;">Page 38</p> <p>1 your investigation?</p> <p>2 A. No.</p> <p>3 MR. ZIMMER: Nothing further.</p> <p>4 EXAMINATION</p> <p>5 BY MR. FOWLER:</p> <p>6 Q. During the course of your, I'm going to 7 call it, on-scene investigation, who was the senior 8 on-duty officer from Melrose Park who was there?</p> <p>9 A. I'm not sure. The shift roster was 10 where -- I would have to say, if anybody, 11 Cacciatore.</p> <p>12 Q. Was Cacciatore present when you first got 13 there or did he come in later?</p> <p>14 A. He was on scene.</p> <p>15 Q. Aside from on duty or not, who did you 16 believe was in charge of the scene that evening?</p> <p>17 A. The acting shift commander.</p> <p>18 Q. And who was that?</p> <p>19 A. I don't know exactly.</p> <p>20 Q. Did Lieutenant Scatchell have authority 21 to direct the officers on duty on that scene?</p> <p>22 MR. CASPER: Object to form. Legal conclusion.</p> <p>23 BY MR. FOWLER:</p> <p>24 Q. You can answer.</p>	<p style="text-align: right;">Page 40</p> <p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And in the last five years, 4 how many times have you responded to a call of a 5 potential threat on a Melrose Park police officer?</p> <p>6 A. I don't recall.</p> <p>7 Q. Okay. Now, you did respond to the 8 12/16/2016 call of shots fired on 9th Avenue and 9 Winston Drive, correct?</p> <p>10 A. Yes.</p> <p>11 Q. We've been talking about this.</p> <p>12 All right. Now, you wrote in your 13 report, Graziani 1, quote, "Off-Duty PO Panzani made 14 the first call via 911 advising dispatch of the 15 occurrence."</p> <p>16 You wrote that, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Now, you learned about that call from 19 dispatch, correct?</p> <p>20 A. Yes.</p> <p>21 Q. You didn't actually talk to Panzani 22 yourself at any time on 12/16, correct?</p> <p>23 A. I don't recall.</p> <p>24 Q. And do you recall what the exact</p>

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1 communication you had with dispatch was about this 2 call?	1 Q. Okay. So I think you testified you did 2 see Gene Cacciato at the scene, but you can't 3 recall any other officers who might have been there. 4 Correct?
3 A. I don't recall.	5 A. Right.
4 Q. All right. But did you hear the words 5 "shots fired" prior to your arriving at 9th and 6 Winston at any point?	6 Q. Gene Cacciato, did he arrive before or 7 after you arrived on scene?
7 A. Yes.	8 A. I -- I don't recall.
8 Q. All right. So is it safe to assume that 9 the dispatch that you received was -- contained the 10 words "shots fired" in it?	9 Q. Did you interact with Gene Cacciato on 10 scene at any -- at any time?
11 Is that correct?	11 A. I don't recall.
12 A. Correct.	12 Q. Did you have any conversation with 13 Gene Cacciato on scene at any time?
13 Q. All right. You didn't hear the term 14 "shots fired" from anybody else prior to your 15 arriving on scene, correct?	14 A. I don't recall that.
16 A. Yes.	15 Q. Did you have any conversation with any 16 other officers on scene at any time -- I mean, any 17 other on-duty officers on scene at any time?
17 Q. Yes, you didn't hear --	18 A. I may have. I'm not sure.
18 A. No.	19 Q. All right. And you write in your 20 Graziani Exhibit 1 that the neighbors -- wait a 21 second -- were standing at their front door. Do you 22 see that?
19 Q. -- that from anybody?	23 That's in the second paragraph, second 24 sentence.
20 A. Yes, I did not hear that from anyone 21 else.	Page 42
22 Q. All right. So how many -- are shots 23 fired calls in Melrose Park -- would you say they're 24 common, uncommon, or something else?	Page 44
1 A. Common.	1 A. Yes.
2 Q. Okay. When you hear a shots fired call, 3 is that something that requires an immediate 4 response by you, as a patrol officer?	2 Q. Were they already outside when you 3 arrived on scene?
5 A. Yes.	4 A. I don't recall.
6 Q. Does that require all available police 7 officers to respond?	5 Q. Did you have to go up and knock on their 6 door to get them to come out?
8 A. Depending how many calls come in about 9 the same area.	7 A. I don't recall.
10 Q. All right. So it depends on officer 11 availability to respond to the call?	8 Q. Where did you speak with them?
12 A. That too, yeah.	9 A. I, myself, don't recall speaking with 10 neighbors. It could have been other officers that 11 were on scene that spoke with neighbors. And I put 12 in there, in my report, "we spoke," meaning we, as a 13 shift.
13 Q. Okay. And when you arrived on scene, you 14 observed -- if I understood your testimony, 15 Lieutenant Scatchell was already in the driveway, 16 correct?	14 Q. So, in other words, you can't 15 specifically recall if you spoke to any neighbors at 16 all.
17 A. Yes.	17 A. I don't recall that night very much, no.
18 Q. And his son, Officer Scatchell, was also 19 in the driveway, is that correct?	18 Q. Okay. And you were never asked by 19 Deputy Chief Castellan to do any follow-up 20 investigation of this incident, is that correct?
20 A. I don't recall.	21 A. Correct.
21 Q. Now, did you observe -- again, as you're 22 arriving on scene, did you observe any other police 23 units already on the scene?	22 Q. And you were never asked by Sam Pitassi 23 to do any follow-up to this investigation, is that 24 correct?
24 A. I don't recall that.	

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1 A. Correct.	1 A. None that I can recall.
2 Q. And you were never asked to do -- you	2 Q. Did you know that this was
3 were never asked by Steven Rogowski to do any	3 John Scatchell, Senior's residence at the time you
4 follow-up to this incident, correct?	4 responded on 12/16/2016?
5 A. Correct.	5 A. I was familiar with the address, yes.
6 Q. The same answer with respect to the	6 Q. So you knew it was John Scatchell,
7 Mayor, correct?	7 Senior's address, correct?
8 A. Correct.	8 A. Yes.
9 Q. So after you arrived on scene and left	9 Q. All right. And were you ever interviewed
10 the scene, that was the end of your involvement with	10 by Castellan, Rogowski, or Pitassi regarding this
11 this incident, is that -- is that true?	11 incident?
12 A. Yes.	12 A. I don't recall.
13 Q. Now, you must have written this report,	13 Q. Were you ever interviewed by anyone after
14 Graziani 1, at some point after the incident.	14 you left the scene about this incident?
15 Is that correct?	15 A. I don't believe so.
16 A. Yes.	16 Q. So let me get this clear.
17 Q. Now, there's a date at the top that says,	17 You didn't collect any physical evidence
18 "Entered: 12/16/2016 2:16."	18 at the scene, right?
19 Do you see that?	19 A. Right.
20 A. Yes.	20 Q. You don't know if any other officers
21 Q. Does that mean -- does that mean that	21 collected any physical evidence at the scene, right?
22 this report was entered around 2:16 a.m. on	22 A. Correct.
23 12/16/2016?	23 Q. You didn't yourself interview any
24 A. Yes.	24 neighbors at the scene, correct?
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1 Q. All right. So you wrote this report at	1 MR. BERSANI: Objection. Misstates his
2 that time, is that true?	2 testimony.
3 A. Yes.	3 BY THE WITNESS:
4 Q. And you wrote this report, correct?	4 A. I don't recall.
5 A. Correct.	5 BY MR. CASPER:
6 Q. And this is a true and accurate copy of	6 Q. And --
7 the report that you wrote?	7 A. I may have. I don't recall.
8 A. Yes.	8 Q. Do you recall interviewing
9 Q. And what did you do with this report	9 John Scatchell, Junior, at the scene?
10 after writing it?	10 A. I don't recall.
11 A. Turned it in to my supervisor.	11 Q. Do you recall interviewing
12 Q. Which would have been who at this time?	12 Mrs. Scatchell, Laura Scatchell, at the scene?
13 A. I don't recall who it was.	13 A. I don't recall.
14 Q. Did you ever complete any other written	14 Q. Do you know if she was home during this
15 reports relative to this incident other than	15 incident?
16 Graziani 1?	16 A. Not sure.
17 A. I don't recall.	17 Q. Are there any video cameras on the street
18 Q. How many times have you responded to	18 around 9th Avenue and Winston Drive that are
19 Lieutenant Scatchell's residence for calls relating	19 maintained by Melrose Park?
20 to shots fired?	20 A. I don't believe so.
21 A. None.	21 Q. Did you investigate any security camera
22 Q. How many times have you responded to	22 footage from private residences or in the area?
23 another Melrose Park police officer's residence for	23 A. No, I did not.
24 a shots fired call?	24 Q. Did you ask Lieutenant Scatchell if he

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<p style="text-align: right;">Page 49</p> <p>1 had a nest camera or any kind of video camera on his 2 residence?</p> <p>3 A. I don't recall that.</p> <p>4 Q. And so you wrote in your report that you 5 responded at approximately 1:11 a.m., correct?</p> <p>6 A. Yes.</p> <p>7 Q. And do you know how long you were at the 8 scene?</p> <p>9 A. Not sure.</p> <p>10 Q. Was it more than an hour or less than an 11 hour?</p> <p>12 A. I would say less than an hour for sure.</p> <p>13 Q. Less than 30 minutes?</p> <p>14 A. Possibly.</p> <p>15 Q. Less than ten minutes?</p> <p>16 A. I don't re -- I don't know if it was less 17 than that.</p> <p>18 Q. Do you recall anything else that you did 19 at the scene that you haven't already been asked 20 about today?</p> <p>21 A. No, I don't.</p> <p>22 Q. All right. And did you ever discuss with 23 Gene Caciatoore what he talked about with those 24 other officers, Espinosa and the other ones we</p>	<p style="text-align: right;">Page 51</p> <p>1 A. No.</p> <p>2 Q. All right. And do you know how many 3 overtime hours Peter Caira -- strike that question.</p> <p>4 Strike the question. I'll ask it again.</p> <p>5 Okay. Just a second here.</p> <p>6 You stated that Nikole Spatafora, I 7 think, might have completed an evidence -- or, some 8 other kind of report about the Scatchell incident.</p> <p>9 I think that was your testimony. Was it?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know what that report would be 12 called?</p> <p>13 A. A supplement report.</p> <p>14 Q. A supplement report. That's the official 15 title on that report?</p> <p>16 A. Yes.</p> <p>17 Q. Have you ever seen that report?</p> <p>18 A. Yes.</p> <p>19 Q. And were there any other officers who 20 completed reports that you're aware of about the 21 bomb incident?</p> <p>22 MR. BERSANI: Object to the form.</p> <p>23 Mischaracterizes the testimony. He never said 24 "bomb."</p>
<p style="text-align: right;">Page 50</p> <p>1 listed, Chiappetta and the other one?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Okay. And did you incur any overtime 4 responding to this incident or writing your report 5 about it?</p> <p>6 A. No.</p> <p>7 Q. All right. Do you know if any of your -- 8 the other responding officers incurred any overtime 9 relative to this incident?</p> <p>10 A. I'm unaware.</p> <p>11 Q. All right. Do you know an officer named 12 Peter Caira?</p> <p>13 A. I do.</p> <p>14 Q. All right. And do you know what his rank 15 is?</p> <p>16 A. No, I don't.</p> <p>17 Q. Okay. Do you know John -- you do know 18 John Scatchell, Junior, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know that he was terminated 21 from the Village of Melrose Park?</p> <p>22 A. From what I heard, yes.</p> <p>23 Q. Do you know anything about the 24 allegations?</p>	<p style="text-align: right;">Page 52</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't.</p> <p>3 BY MR. CASPER:</p> <p>4 Q. Okay. Did you, yourself, ever ascertain 5 what kinds of explosives were used in this incident?</p> <p>6 MR. BERSANI: Object to the form, "explosives."</p> <p>7 He never characterized it that way.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No, I...</p> <p>10 BY MR. CASPER:</p> <p>11 Q. Okay. And did you, yourself, ever 12 ascertain -- now -- strike that question.</p> <p>13 Have you ever set off a firecracker in 14 your life?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And did you see any, like, spent 17 firecracker casings at the scene?</p> <p>18 A. At the -- at the scene of --</p> <p>19 Lieutenant Scatchell's scene?</p> <p>20 Q. Yeah.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And how many of those did you see?</p> <p>23 A. I don't recall. A couple --</p> <p>24 Q. How big were there?</p>

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1 A. -- pieces, maybe.	1 Q. Did you ever visit -- strike that.
2 I don't know exactly.	2 After that, did his office change?
3 Q. Okay. Did you see any blackening on the	3 A. Yes.
4 asphalt around where this explosion occurred?	4 Q. Okay. And what office was he moved to
5 A. I don't recall.	5 when he became station supervisor?
6 Q. All right. So do you ever recall being	6 A. It was on the second floor, down the
7 woken up by a firecracker being set off in your	7 hall.
8 vicinity?	8 Q. And have you ever heard that office
9 A. I've never personally had an issue.	9 referred to as anything?
10 Q. All right. Now, it would have to be --	10 A. Not that I recall.
11 you'd agree with me it'd have to be a pretty big	11 Q. Have you ever heard that office referred
12 firecracker for it to wake up two people in	12 to as the hole?
13 Scatchell's residence and the neighbors, wouldn't	13 A. I don't recall that.
14 you -- and to result in a shots fired call, wouldn't	14 Q. Did you ever visit John Scatchell,
15 it?	15 Senior, in that office?
16 MR. BERSANI: Object to form. Vague.	16 A. I did.
17 BY THE WITNESS:	17 Q. Okay. At any point did you stop visiting
18 A. Well, given the time of night, yeah,	18 him in that office before his retirement?
19 that's very -- it could be loud.	19 A. Well, we're really not allowed to be in
20 BY MR. CASPER:	20 the station unless it's for report reasons and
21 Q. All right.	21 whatnot, so I...
22 A. Anything minor could be loud.	22 Q. Do you ever recall any verbal orders
23 Q. Okay.	23 being given by anyone not to visit John Scatchell,
24 A. It's --	24 Senior, in his office?
Page 54	Page 56
1 Q. But --	1 A. No.
2 MR. BERSANI: Let him finish.	2 Q. And you at some -- at some point
3 BY THE WITNESS:	3 Lieutenant Kyll -- or, strike that.
4 A. I don't know exactly what was discharged	4 At some point Sergeant Kyll Lavalais was
5 that night. I didn't collect any evidence.	5 your supervisor, correct?
6 BY MR. CASPER:	6 A. Yes.
7 Q. Do people set off fire -- fireworks	7 Q. Do you know what time period that was?
8 during the 4th of July or on New Year's Eve in	8 A. It could have been a couple of -- a
9 Melrose Park?	9 couple years back. I'm not sure of the exact dates.
10 A. Yes.	10 It's -- I'm not good with dates and...
11 Q. Did you work last New Year's Eve?	11 Q. And at some point you had a preventable
12 A. I don't recall. I -- I don't think I	12 acc -- a preventable accident, where you ran a squad
13 did. I don't -- I don't remember.	13 car accidentally into some kind of concrete near the
14 Q. Did you work the last 4th of July?	14 station, is that true?
15 A. I don't recall that.	15 A. Yes.
16 Q. All right. Do you recall how many shots	16 Q. All right. And you reported that to
17 fired calls you got on -- the last time you worked	17 Sergeant Lavalais, is that correct?
18 during the 4th of July or New Year's Eve?	18 A. Yes.
19 A. I'm not sure.	19 Q. And at that time Sergeant Lavalais was
20 Q. All right. Now, you testified that --	20 the only black sergeant in Melrose Park
21 early on in your examination that at some point you	21 Police Department, is that correct?
22 were aware John Scatchell, Senior, was transferred	22 A. Yes.
23 to station supervisor, correct?	23 Q. In fact, he was the only black officer in
24 A. Yes.	24 Melrose Park Police Department during the time of

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1 that accident, is that correct?	1 work about nonwork-related matters?
2 A. Yes.	2 A. No.
3 Q. And Sergeant Lavalais, he determined that	3 Q. Did you ever attend any union meetings
4 the accident was nonpreventable that you were in, is	4 with Sergeant Lavalais?
5 that correct?	5 A. No.
6 A. Yes.	6 Q. Did you ever attend any union meetings at
7 Q. So he defended you from discipline	7 all?
8 because he determined it to be nonpreventable, is	8 A. Not very many.
9 that correct?	9 Q. All right. Were you present during any
10 A. Yes.	10 conversations with Lavalais and Castellan regarding
11 Q. All right. And then after that, you were	11 that accident?
12 actually issued discipline relative to that	12 A. No.
13 accident, is that correct?	13 Q. Did John Scatchell, Sen -- sorry to go
14 A. Yes.	14 back to this.
15 Q. And that was issued to you by whom?	15 Did John Scatchell, Senior, appear to you
16 A. Deputy Chief Castellan at the time.	16 to be visibly upset in any way when you arrived on
17 Q. And do you remember the year -- the month	17 scene on 12/16/2016?
18 and year you were issued that discipline?	18 A. Yes.
19 A. I don't.	19 Q. And can you describe how he appeared to
20 Q. And --	20 you?
21 A. It may have been summertime.	21 A. Upset, as if he was woken up out of a
22 Q. Do you know what year? Was it in the	22 sleep.
23 last three years?	23 Q. Did he -- so he seemed -- did he seem
24 A. I would say in the last three, yeah.	24 distressed to you?
Page 58	Page 60
1 Q. And what level of discipline did	1 MR. BERSANI: Object to the form. Vague.
2 Mr. Cas -- did Deputy Chief Castellan give you?	2 BY MR. CASPER:
3 A. I believe two personal days taken.	3 Q. You can answer.
4 Q. And did you file a union grievance over	4 A. Somewhat.
5 that?	5 Q. John Scatchell, Junior, did he appear
6 A. No.	6 distressed to you?
7 Q. Do you know why Lavalais concluded the	7 A. I don't recall.
8 accident was nonpreventable and then Castellan	8 Q. And did you ever learn through any source
9 concluded it was preventable?	9 who was responsible for setting the dynamite off at
10 MR. BERSANI: Objection. Lack of foundation.	10 John Scatchell, Senior's home?
11 BY MR. CASPER:	11 MR. BERSANI: Object to the form.
12 Q. If you know.	12 Mischaracterizes his testimony. He never said
13 A. I -- I don't know.	13 "dynamite."
14 Q. What did you consider the accident to be,	14 BY THE WITNESS:
15 preventable or nonpreventable?	15 A. I'm sorry. Can you repeat that?
16 A. Tough to say.	16 MR. CASPER: Can you read back the question?
17 Q. And were you friendly with	17 (WHEREUPON, the record was read
18 Sergeant Lavalais, by which I mean were you friends	18 by the reporter as requested.)
19 with him?	19 BY THE WITNESS:
20 A. I try to get along with everyone.	20 A. No, I was not.
21 Q. Did you ever hang out with	21 MR. CASPER: Anything else?
22 Sergeant Lavalais outside of work?	22 Off the record.
23 A. No.	23 (WHEREUPON, discussion was had off
24 Q. Did you ever text with him outside of	the record.)

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1 MR. CASPER: All right. Back on the record.	1 Q. But he never did that, did he?
2 Okay. I have no further questions for	2 A. I don't believe -- I don't believe he
3 you, Officer.	3 did, or else I would -- I would have noted it in my
4 Thank you.	4 report, that there was video.
5 THE WITNESS: Okay.	5 Q. Right.
6 MR. BERSANI: You guys have anything?	6 But you didn't.
7 I just have a few questions for you.	7 A. Right.
8 FURTHER EXAMINATION	8 Q. And you'd agree that -- or, strike that.
9 BY MR. BERSANI:	9 You said that you observed a couple
10 Q. You said that John Scatchell, Senior, was	10 pieces of debris in the driveway, correct?
11 visibly upset and somewhat distressed when you	11 A. Correct.
12 arrived on scene on December 16, 2016, correct?	12 Q. "A couple" meaning less than three?
13 A. Yes.	13 A. Yeah.
14 Q. But at no point did he direct, order you,	14 Q. Okay. You would agree that fireworks
15 or even suggest that you collect and preserve the	15 being discharged at 1:00 a.m. could sound like shots
16 debris of fireworks on his driveway, did he?	16 fired, correct?
17 A. Not me personally, no.	17 A. Yes.
18 Q. At no point did he direct you or any	18 MR. CASPER: Form.
19 other officers to collect that evidence, to your	19 BY MR. BERSANI:
20 recollection.	20 Q. And as a result of your investigation,
21 A. I don't recall.	21 you determined that fireworks was discharged in his
22 Q. And at no point did he ever direct you or	22 driveway, correct?
23 any other officer to take photographs, to your	23 A. Yes.
24 recollection, correct?	24 Q. Not dynamite, correct, or a bomb?
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1 A. Correct.	1 A. That would be pretty extent.
2 Q. At no point did he tell you that he had a	2 Q. Right.
3 nest camera or a private security camera that	3 That would be what? I'm sorry?
4 pointed outward to the front of his house, did he?	4 A. Like pretty -- like, I would say --
5 A. I would have listed it in my report.	5 Q. Extensive?
6 Q. So the answer is he never told you that.	6 A. Extensive.
7 A. I don't recall if he did, if he didn't.	7 Q. Right.
8 Q. If he told you that, you'd want to see	8 There would be more debris, more damage,
9 that, to see if it showed who set up the fireworks	9 there'd be some other evidence that would be more
10 in the driveway, right?	10 dramatic than just merely fireworks present that
11 A. I would assume.	11 you would observe if it was dynamite or a bomb,
12 Q. That would be important information as	12 correct?
13 part of your investigation, correct?	13 MR. CASPER: Object to foundation.
14 A. Right.	14 BY MR. BERSANI:
15 Q. And if he was so upset and distressed	15 Q. Is that right?
16 about what happened, you'd think that he would tell	16 A. Correct.
17 you, "Hey, I've got a camera that may point into	17 Q. And you didn't observe any of that, did
18 that driveway and tell us who did this," right?	18 you?
19 MR. CASPER: Objection. It calls for	19 A. No.
20 speculation.	20 MR. BERSANI: Okay. Thank you.
21 You can answer.	21 Nothing further.
22 BY MR. BERSANI:	22 MR. ZIMMER: No, nothing.
23 Q. You would think, right?	23 MR. FOWLER: One more. Sorry.
24 A. Correct.	24 THE WITNESS: That's okay.

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<p style="text-align: right;">Page 65</p> <p>1 FURTHER EXAMINATION 2 BY MR. FOWLER: 3 Q. Did Lieutenant Scatchell ever say to you 4 that somebody had set off a bomb in his driveway? 5 A. I don't recall. 6 MR. FOWLER: Nothing further. 7 MR. CASPER: I have a few things based on that. 8 FURTHER EXAMINATION 9 BY MR. CASPER: 10 Q. So Lieutenant Scatchell appeared upset to 11 you when you arrived, correct? 12 A. Yes. 13 Q. And you agreed with me already he 14 appeared distressed to you, correct? 15 A. Yes. 16 Q. All right. And based on that, could you 17 rely on Lieutenant Scatchell to think of everything 18 that might need to be done to preserve the scene? 19 A. I -- I mean, I would think that somebody 20 who wasn't involved in the scene would have more of 21 a level mind, but somebody who is maybe woken up out 22 of a dead sleep with something occurring on their 23 property could be a little bit more upset. 24 Q. And John Scatchell, Senior, was off-duty,</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Is there a conflicts-of-interest policy 2 in the police department's general orders that 3 you're aware of? 4 MR. BERSANI: Object to the form. Vague. 5 BY THE WITNESS: 6 A. I'm not aware. 7 BY MR. CASPER: 8 Q. All right. Well, you've been a law man 9 for quite a number of years. I think you said 10 eight -- did you say 18 years? 11 A. That's all I've known 12 Lieutenant Scatchell. 13 Q. Okay. And you'd agree with me that it 14 would be inappropriate for an officer who is a 15 victim of a crime to investigate his own crime, 16 right? 17 A. Yes. 18 Q. Okay. That would be against department 19 policy, wouldn't it? 20 MR. BERSANI: Object to the form. It calls for 21 speculation. 22 BY THE WITNESS: 23 Q. I would have to see -- 24 MR. BERSANI: Lack of foundation.</p>
<p style="text-align: right;">Page 66</p> <p>1 right? 2 We covered that, I think. He was 3 off-duty. 4 A. Yes. 5 Q. All right. And you were the person who 6 was more level-headed who appeared on scene, 7 correct? 8 MR. BERSANI: Object to the form. It calls for 9 speculation. 10 MR. CASPER: Are you saying he's not level -- 11 never mind. 12 Sorry. 13 BY MR. CASPER: 14 Q. You can answer. 15 A. I would agree. 16 Q. And -- 17 MR. BERSANI: Well, the way you asked it was 18 you compared it to somebody else, so that was my 19 objection. 20 BY MR. CASPER: 21 Q. Is there a conflict-of-interest policy in 22 the police office -- in the police department's 23 general orders that you're aware of? 24 A. I'm sorry. What's that?</p>	<p style="text-align: right;">Page 68</p> <p>1 BY THE WITNESS: 2 A. -- the department policy. I don't 3 recall. 4 BY MR. CASPER: 5 Q. All right. So is there such a policy? 6 A. I don't know. 7 Q. Okay. But just as -- your experience as 8 a career law man, would that be improper, for an 9 officer to investigate his own crime, in your view? 10 MR. BERSANI: Same objections. 11 BY THE WITNESS: 12 A. I would say yes. 13 BY MR. CASPER: 14 Q. And if an officer is a victim of a crime, 15 would it be inappropriate, in your view, as a career 16 law man for him to investigate the crime that he's a 17 victim of? 18 MR. BERSANI: Same objections. 19 BY THE WITNESS: 20 A. Yes. 21 BY MR. CASPER: 22 Q. Okay. Now, you testified a number of 23 times today that if it -- in general, that if it 24 happened, it would have been in your report.</p>

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<p style="text-align: right;">Page 69</p> <p>1 Now -- but you wrote, "We spoke with 2 immediate neighbors who awoken to the noise." And 3 you didn't speak with the neighbors yourself, right? 4 MR. BERSANI: Objection. That's not what he 5 said, counsel. You mischaracterized his testimony. 6 BY THE WITNESS: 7 A. "We" meaning as a shift. 8 MR. CASPER: Okay. All right. That's all. 9 MR. BERSANI: I have nothing further. 10 MR. FOWLER: Nothing further. 11 MR. CASPER: Thank you. 12 MR. FOWLER: Are you going to talk to him about 13 reserving signature? 14 MR. BERSANI: Yeah. 15 So at this point -- this deposition may 16 be typed up into a transcript form, and so you have 17 two options. One, you could get a copy of that 18 transcript, we'd provide it to you, you'd review it 19 to see if -- make sure the court reporter took down 20 everything accurately based on your recollection. 21 You can't change testimony, but you can at least 22 indicate, "No, I really said this as opposed to 23 this." That's called reserving your signature. 24 The other option is to waive your</p>	<p style="text-align: right;">Page 71</p> <p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 5 I, LINDA SNODGRASS SABOR, a Notary 6 Public within and for the County of Cook, State of 7 Illinois, and a Certified Shorthand Reporter of said 8 state, do hereby certify: 9 That previous to the commencement of 10 the examination of the witness, the witness 11 swore/affirmed to testify the whole truth concerning 12 the matters herein; 13 That the foregoing deposition transcript 14 was reported stenographically by me, was thereafter 15 reduced to typewriting under my personal direction 16 and constitutes a true record of the testimony given 17 and the proceedings had; 18 That before the conclusion of the 19 deposition, the witness has not requested a review 20 of this transcript pursuant to Rule 30(e)(1); 21 That I am not a relative or employee or 22 attorney or counsel, nor a relative or employee of 23 such attorney or counsel for any of the parties 24 hereto, nor interested directly or indirectly in the</p>
<p style="text-align: right;">Page 70</p> <p>1 signature, meaning that you don't have an interest 2 in looking at it, you think that she probably did a 3 good job taking it down. 4 So I will tell you the last witness 5 waived the signature, so -- but it's entirely up to 6 you. If you want to look at it -- 7 THE WITNESS: No. I -- 8 MR. BERSANI: -- we'll make it available to 9 you. 10 THE WITNESS: I can waive it. 11 MR. BERSANI: Okay. Very good. 12 MR. CASPER: Thank you. 13 THE WITNESS: Thank you. 14 MR. FOWLER: Done. 15 MR. BERSANI: Thank you very much. 16 FURTHER DEPONENT SAITH NOT 17 TIME NOTED: 3:22 p.m. 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 72</p> <p>1 outcome of this action. 2 IN WITNESS WHEREOF, I do hereunto set 3 my hand and seal of office at Palatine, Illinois, 4 this 24th day of February, 2020. 5 6 7 8 9 10 LINDA SNODGRASS SABOR, CSR, RMR, CRR, 11 Notary Public, Cook County, Illinois. 12 My commission expires December 2, 2023. 13 14 15 16 CSR Certificate No. 84-1850. 17 18 19 20 21 22 23 24</p>

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16 EXHIBITS

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Administrative Agency: Melrose Park PD Incident #: 201600028440 Case Nr:
Report No. 1 Entered: 12/16/2016 02:16 By Officer: MP0082 Melrose Park PD Graziani

In summary: on 12-16-16 at approx. 01:11 Melrose park units and myself were dispatched to the area of 9th Ave and Winston Dr for a possible shots fired call. upon our arrival in the area r/o was flagged down by the caller who stated they heard what appeared to be gun shots approx. three of them heard on the near 9th and Winston. Upon further investigating the area off duty p/o Scatchell along with off duty Lt Scatchell advised via net radio that the incident occurred in front of being Lt Scatchells residence.

Upon arrival, I witnessed debris of spent fireworks that were set off in Lt Scatchells driveway. We spoke with immediate neighbors who awoken to the noise and were standing at their front door who stated, that they heard several loud bangs almost like gunfire going off in front of their home. Off duty p/o Panzani made the first call via 911 advising dispatch of the occurrence. No further to report

Graziani /
EXHIBIT
FOR I.D. 215/2020 GS

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

VMP/JJS 2566